

## **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re the application of:

HAASE, Ignatius Xavier

Serial Number: Not yet assigned

Examiner Not yet assigned

(for parent):

Filed: Even date herewith

Art Unit: Not yet assigned

For: APPARATUS AND METHOD FOR ENCODING AND DISPLAYING DOCUMENTS

Mail Stop Patent Application

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

### **INFORMATION DISCLOSURE STATEMENT**

Dear Sir or Madam:

In accordance with 37 C.F.R. §§ 1.56, 1.97, and 1.98, disclosure is made of the following known related art listed in the accompanying Information Disclosure Citation, Form PTO-1449. Any marks made upon submitted copies of such listed art should not be interpreted as emphasizing or indicating as relevant portions of such marked related art. Often, such marks are made on the original documents by unknown third parties and so are not applicable to the present invention.

Applicant hereby cites the patents and/or publications on the attached form for consideration by the Patent and Trademark Office in regard to the claimed invention. By this notice, Applicant requests that the Patent and Trademark Office make of record the documents listed. No representation is made that more pertinent material is not available or should not be considered by the Examiner. It is expected that the Patent and Trademark Office will independently conduct a complete search of appropriate prior art. Furthermore, no admission is

being made that these documents are prior art, and Applicant reserves the right to challenge any such conclusion.

### **EXPERIMENTAL USE, IF ANY USE**

In or about the 1993-1994 school year, the Inventor was teaching eighth grade English. He had students mark some highlighting in a book occasionally during class. He purchased the books – the same one for everyone, i.e., Captains Courageous by Rudyard Kipling. A color copy of the Inventor's copy of the Captains Courageous book with highlighting by the Inventor is enclosed for reference. (The book itself is NOT relevant prior art.) The book was read in class for various periods of time over about one month. The Inventor/teacher suggested to the students to try highlighting the book on the text itself for certain plot elements and/or characters (e.g., see page 1). The Inventor found that the highlighting on the text was cumbersome and messy.

He then tried putting highlighting in the margin in one color and highlighting on the text in another. (See, e.g., pages 2 et seq.) He highlighted his own book using different colors by placing the highlighting in the margins adjacent to lines of text to denominate different aspects of the plot and/or different characters speaking or acting. There are less than a handful of places in his book where there are multiple colors used in the margin. (See, pp. 10 and 15 near the bottom and p. 16). He again found that the highlighting was messy and cumbersome, and so quickly stopped putting multiple colors in the margin. For example, the high lighting bled through many pages, see e.g., pp. 13, 14, 15, et. seq.

The story was read in class. The Inventor theorized that possibly comprehension and enjoyment would be increased by finding the appropriate highlighting method, but the test did not provide consistent color-coded text as ultimately envisioned by the Inventor and as

manifested in the subject application. Only a very small portion of his book was color-coded and he stopped that experiment. The test did not resolve key issues in the Inventor's mind – how to apply a color-coding scheme or the like to a book without having to manually do it; how to do it in a clean, organized and useful manner; and if a student is presented with a color-coded text, will it actually improve comprehension.

In the copy of the book enclosed, there was no recorded key and no recorded key was made to the best of the Inventor's recollection.

He was not paid any extra salary and did not otherwise receive any remuneration for the test or highlighting the book. He did not tell school officials about the highlighting or test. He only used highlighting for a small part of this one book. He recalls that the book was read in class up to about Chapter 4 or 5. The highlighting in the book did not constitute the invention as the Inventor ultimately envisioned it, since it was cumbersome and messy, and especially since it was not achieved in a digital environment. In fact, as early as the bottom of page 17, all marginal highlighting, even just one highlight, stops and the remainder of the book only contains some sporadic "conventional" highlighting on the text itself in one color.

The Inventor did not retain the students' books, leaving it to them to throw it out or keep it. It is noted that the blacked out regions in some places (e.g., the inside cover and page 25) contained extraneous marks made by a third party as part of a prank or "tagging". (See, e.g., the notation written subsequent to the tagging at the bottom of p. 21 "Tagging (graffiti)" and pointing to the graffiti.) It is respectfully submitted that the highlighting in the book is not prior art, does not embody the invention, and to the extent it embodies any part of the current invention, represents experimental use of an inchoate (not yet clearly formed) portion of the

Invention. There may be other reasons why this material is not prior art and/or does not embody the invention.

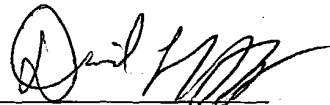
**TIMELINESS**

This information disclosure statement is being timely filed before the later of three months from the filing date of this application or before the mailing of a first official action.

Should there be any remaining or further questions, the Examiner is requested to please contact the undersigned directly. It is not believed that any additional fees are due. However, in the event additional fees are due, the Examiner is hereby authorized to charge the enclosed credit card authorization for any deficiency, or credit it for any excess payment.

Respectfully submitted,

LAW OFFICES OF DAVID L. HOFFMAN



David L. Hoffman  
Reg. No. 32,469

Date: July 25, 2003

DLH/crb  
Enclosure

Form PTO-1449 (Rev. 8-83)	U.S. Department of Commerce Patent and Trademark Office	Atty. Docket No. 02-10635	Serial No. Not yet assigned
<b>INFORMATION DISCLOSURE CITATION</b> (Use several sheets if necessary)		Applicant HAASE, Ignatius Xavier	
		Filing Date Even date herewith	Group Not yet assigned

### U.S. PATENT DOCUMENTS

XMR INIT*		DOCUMENT NUMBER	DATE	NAME	US CLASS	SUBCLASS	FILING DATE
	AA	5,745,596	04/28/1998	Darrell E. Jefferson	382	176	04/01/1995
	AB	5,875,428	02/23/1999	Raymond C. Kurzwell	704	260	06/27/1997
	AC	6,173,264	01/09/2001	Raymond C. Kurzwell, et al.	704	260	12/15/1998
	AD	6,177,933	01/23/2001	Jeffrey E. Young	345	333	11/26/1997
	AE	6,199,042	03/06/2001	Raymond C. Kurzwell	704	260	06/19/1998
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

### FOREIGN PATENT DOCUMENTS

XMR INIT*		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	AL							
	AM							
	AN							

### OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

	AO	
	AP	
	AQ	
	AR	

Examiner:

Date Considered:

\* Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.